

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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KYLE B. RICHARDS, et al,

Plaintiffs,

Case No. 1:14-cv-239

v.

Honorable Robert J. Jonker

STEPHEN DEBHOUR, et al,

Defendants.

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**ORDER**

This is a civil rights action brought by two state prisoners<sup>1</sup> pursuant to 42 U.S.C. § 1983. Presently before the Court is Plaintiff Laron Glenn's motion for leave to file an amended complaint (docket #18.).

Plaintiff's motion to amend is governed by Federal Rule of Civil Procedure 15 which provides that a party may amend its pleading once without leave of court, within 21 days after service or within 21 days after service of a responsive pleading or motion under FED. R. CIV. P. 12(b), (e) or (f). FED. R. CIV. P. 15(a)(1). Thus, given the present procedural posture of this case, Plaintiffs are free to amend their complaint one time without leave of court and were not required to file a motion to amend.

However, Plaintiff Glenn, alone, signed the motion to amend the complaint. Federal Rule of Civil Procedure 11 "requires every pleading to be signed by all pro se plaintiffs." *Proctor v. Applegate*, 661 F. Supp. 2d 743, 780 (E.D. Mich. 2009) (citing *Ghashiyah v. Frank*, No. 05-C-0766, 2008 WL 680203, \* 1 (E.D. Wis. Mar.10, 2008); *Ward-El v. Heyns*, 13-13595, 2013

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<sup>1</sup>The complaint was originally filed on behalf of three state prisoners. On May 15, 2014, Plaintiff Kyle B. Richards was dismissed for failing to pay his share of the civil action filing fee.

WL 4776114, \*3 (E.D. Mich. Sept. 6, 2013). Rule 11 provides that the Court “must strike an unsigned paper unless the omission is promptly corrected after being called to the . . . party’s attention.” FED. R. CIV. P. 11(a). Because Plaintiffs were not required to obtain leave of court to amend their complaint, and because the motion to amend was filed by only one Plaintiff and addressed only one Plaintiff’s concerns, the Court will strike the motion to amend (docket #18).

Plaintiffs may file an amended complaint, but they must do so using the required form, *see* W.D. Mich. LCivR 5.6(a), and the amended complaint **must** be signed by both Plaintiffs. The Court directs the Clerk to send to Plaintiffs a copy of the form complaint under 42 U.S.C. § 1983 for a civil action by a person in state custody. Plaintiffs shall submit a single amended complaint on the requisite form signed by both Plaintiffs within twenty-eight (28) days from the date of entry of this order. The amended complaint will take the place of the original complaint, so it must include all of the Defendants that Plaintiffs intend to sue and all of the claims that Plaintiffs intend to raise, and it must be signed by both remaining Plaintiffs. Plaintiff need not re-submit supporting exhibits filed with the original complaint. The case number shown above must appear on the front page of the amended complaint. If Plaintiffs fail to submit an amended complaint in proper form and with the signature of both Plaintiffs within the time allowed, the Court will assume Plaintiffs wish to proceed with their original complaint and will screen the original complaint under 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c).

**IT IS SO ORDERED.**

Dated: June 16, 2014

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge